April 1, 2018

Applicant:
Manuel Mier for El Sol Restaurant
2901 1/2 Honolulu Avenue
Glendale, CA 91214

RE: 2901 1/2 HONOLULU AVENUE
ADMINISTRATIVE USE PERMIT CASE NO. PAUP 1721880
(EL SOL RESTAURANT)

The Director of Community Development will render a final decision on or after April 11, 2018, for the following project:

Project proposal: An application for an Administrative Use Permit to allow the on-site sales, service, and consumption of alcoholic beverages (License Type 47 of the State Department of Alcoholic Beverage Control [ABC]) in conjunction with the expansion of an existing 1,044 square-foot full-service restaurant (El Sol Restaurant) into the adjacent 1,168 square-foot tenant spaces.

STAFF RECOMMENDATION: APPROVE WITH CONDITIONS

DRAFT CONDITIONS OF APPROVAL

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

2. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities, including the City Clerk, shall be obtained and kept current at all times.

3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.

4. That the premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.

5. That there shall be no bar or lounge area upon the premises maintained solely for the purpose of sales, service or consumption of alcoholic beverages by patrons.

6. That the on-site sales/service of alcoholic beverages shall be in full accord with the
regulations and conditions established by the State Department of Alcoholic Beverage Control (ABC).

7. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash, and graffiti.

8. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.

9. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.

10. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.

11. That no alcoholic beverages shall be sold to be taken from the premises by patrons for off-site consumption.

12. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverages that were purchased from outside of the establishment, unless the facility has an established corkage policy allowing and regulating such.

13. That at all times when the premises are open for business, the service of alcoholic beverages shall be made only in the areas as designated with the ABC license.

14. That the restaurant shall remain open to the public during business hours. If the establishment has a private party during normal business hours, the restaurant still needs to remain open for business to regular customers.

15. That shall be no "Dance" or "Live Entertainment" allowed on the premises without further review and proper "Dance" and "Live Entertainment" permits.

16. That the front and back doors to the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.

17. That the sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 10:00 p.m. each day of the week.

18. That there shall be no video machine(s) maintained on the premises.

19. That the premises shall be made available and accessible to any authorized City personnel (Building, Fire, Police, Neighborhood Services, Planning, etc.) upon request for the purpose of verifying compliance with all laws and conditions of this approval.

20. That the parking area shall be kept adequately illuminated for security purposes during all hours of darkness. Lighting fixtures shall be installed and maintained in the parking area in those areas where street lights do not effectively illuminate the premises. No lighting
shall be installed or maintained which shines or reflects onto adjacent properties.

21. That the facility shall not be rented, leased or otherwise occupied for purpose not specified in this application.

22. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.

23. That adequate means be provided for the collection of solid waste generated at the site and that all recyclable items be collected and properly disposed of to the satisfaction of the Integrated Waste Management Division of the City of Glendale.

24. That State Accessibility Standards be met for all parking requirements and building entrance accessibility as required by the Building and Safety Division.

25. That all necessary building permits and licenses be obtained in order to comply with the open Code Compliance Case No. NNOPMT1727497.

26. That a Business Registration Certificate (BRC) shall be obtained and reference the new square footage of the subject restaurant.

27. That the restaurant adhere to the City’s Fresh Air (smoking) Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.

28. That no exterior signs advertising the service of alcoholic beverages shall be permitted.

29. That authorization granted herein shall be valid for a period of 10 years until April 1, 2028.

PROJECT BACKGROUND

Previous Permits for the Site:

On December 30, 1982, Certificate of Use and Occupancy No. 5003 was issued for “El Sol Restaurant” located at 2901 ½ Honolulu Avenue.

On December 11, 2001, Certificate of Use and Occupancy No. P2UC-20010326 was issued for a “Full Service Restaurant” located at 2901 ½ Honolulu Avenue.

On August 11, 2003, the Zoning Administrator granted Conditional Use Permit No. 10530-CU with conditions to allow the sale, serving, and consumption of alcoholic beverages at the existing full-service restaurant (El Sol Restaurant). On August 1, 2006, this conditional use permit expired.

On April 7, 2008, the Zoning Administrator granted Conditional Use Permit No. PCUP 2008-030 with conditions to allow the sale, serving, and consumption of all types of alcoholic beverages at the existing full-service restaurant (El Sol Restaurant). On April 22, 2016, this conditional use permit expired.
On October 6, 2016, the Planning Hearing Officer granted Administrative Use Permit No. PAUP-1611958 with conditions to allow the continued on-site sales, serving, and consumption of alcoholic beverages at the existing full-service restaurant. This Administrative Use Permit will expire on October 6, 2026.

Related Concurrent Permit Application(s): Building Permit No. BB1721901 is pending issuance for tenant improvements and addition of adjacent tenant spaces to increase the existing restaurant area from 1,044 square feet to 2,212 square feet.

Environmental Determination: The project is exempt from CEQA review as a Class 1 "Existing Facilities" exemption, pursuant to State CEQA Guidelines Section 15301 because this application is for the on-site sales and consumption of alcoholic beverages with meals in an existing restaurant with a proposed expansion into the adjacent tenant spaces (interior alterations) with no addition of floor area to the existing building on the site or exterior alterations.

General Plan: Commercial-Neighborhood

Zone: C1- Neighborhood Commercial Zone

Description of existing property and uses: The existing project site is developed with a one-story, 8,999 square-foot multi-tenant commercial building. The property is located at the northeast corner of Honolulu Avenue and Glenwood Avenue. The existing 1,044 square-foot restaurant occupies the middle portion of the building and will be expanded to include 1,168 square feet of the adjacent tenant spaces. The existing restaurant has been operating at this site since 1982 and has been serving alcoholic beverages for on-site consumption since 2003. Other uses on the site include a liquor store, hair salon, fast-food restaurant, and a coin-operated laundry. The expanded restaurant will include a kitchen, storage rooms, bathrooms, waiting area, inside seating area, and a bar, which will not be used solely for the purpose of sales, service, or consumption of alcoholic beverages by patrons. The site has a parking area that is accessed from Honolulu Avenue from the south and Glenwood Avenue from the west. The parking area is striped for 99 spaces and provides required number of parking spaces for the existing uses and the expanded restaurant (El Sol Restaurant).

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<th>Neighboring zones and uses:</th>
<th>Zoning</th>
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<tr>
<td>North</td>
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<td>Residential Use (Single-family)</td>
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<tr>
<td>South (across Honolulu Ave.)</td>
<td>C1</td>
<td>Commercial Use</td>
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<tr>
<td>Project Site</td>
<td>C1</td>
<td>Commercial Use</td>
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COMMENTS FROM OTHER CITY DEPARTMENTS: No major concerns were received from the various city divisions/departments for the on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant. Recommended conditions received from the Police Department and the Building and Safety Division are included in this draft.

The Neighborhood Services Division issued a code violation letter (Case No. 4
NNOPTM1727487 on November 17, 2017, for the expansion of the existing restaurant into two adjacent tenant spaces without required permits (violating the code section BSC.V1.114). Recommended conditions are included in this draft to ensure the subject restaurant (El Sol Restaurant) will comply with code section BSC.V1.114.

PROJECT ANALYSIS

The applicant is requesting approval of an Administrative Use Permit (AUP) to allow the on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant. The subject facility has been operating as a restaurant at this location since 1982. "El Sol Restaurant" has been operating in this location since 1982. The first Conditional Use Permit (CUP) was granted with conditions to allow the on-site sales, service, and consumption of alcoholic beverages at the existing full-service restaurant in 2003. The CUP was renewed in 2009 and expired in 2016. An Administrative Use Permit to allow the continued on-site sales, serving, and consumption of alcoholic beverages at the existing full-service restaurant was granted on October 6, 2016 (with the expiration date of October 6, 2026). The existing restaurant was expanded into the existing adjacent tenant spaces without a valid building permit; however, a building permit is pending issuance for the subject tenant: improvements and recommended conditions of approval for this AUP will ensure that all required permits and licenses will be obtained for this expansion. The proposed expansion occupies two existing adjacent tenants to the west (previously used as dry cleaner and barber shop) and adds a total of 1,168 square feet of floor area to the existing full-service restaurant of 1,044 square feet for a total floor area of 2,212 square feet. Because of this expansion, approval of an administrative use permit for the on-site sales, service, and consumption of alcoholic beverages in the expanded, 2,212 square-foot full-service restaurant will be required.

The subject site is located within the C1 (Neighborhood Commercial) Zone. The sale of alcoholic beverages for on-site consumption at this location is a permitted use and the use will continue to provide an option for the community to purchase alcoholic beverages for on-site consumption with their meals in this restaurant.

The on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant will be consistent with the various elements and objectives of the General Plan. The General Plan Land Use designation of the site is "Commercial-Neighborhood". These areas are generally located along the city's minor arterials, like Honolulu Avenue. The project site is already developed and the applicant's request is the sale of alcoholic beverages for on-site consumption at the expanded full-service restaurant. The Land Use Element is most directly related to the approval of this use and given that the project site is already developed and the application only requests for on-site sales and consumption of alcoholic beverages with meals at the existing restaurant and the expanded area within the existing building, other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request.

The subject use is surrounded by commercial uses including retail and service type uses on the east and west side of the subject tenant and across Honolulu Avenue. Residential uses (single-family) are located on the north side of the commercially-zoned area across an alley. No residential uses are immediately abutting the subject site. The existing structures and facilities are sufficient to assure that the facility will continue to not have a negative impact on nearby businesses or residential developments. The application does not include any added floor area or modifications to the existing commercial building in the site. The subject
restaurant expansion includes 1,168 square feet of floor area addition within the existing building. Currently, there are 99 parking spaces for the existing five tenants in the building. According to the Glendale Municipal Code section 30.32.050, 44 parking spaces are required for the existing uses and the expanded full-service restaurant (El Sol Restaurant); therefore, the parking spaces on the site meet the parking requirement for the expanded 2,212 square-foot full-service restaurant and other existing uses in the building. Furthermore, the sales of alcoholic beverages for on-site consumption will not increase the demand for parking since it is an ancillary to the primary use. The request is not anticipated to create any negative traffic-related impacts on Honolulu Avenue. The recommended conditions of approval will serve to mitigate any potential impacts on surrounding properties and their uses.

The on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood. According to the Glendale Police Department, the subject property is located in Census Tract 3006 that allows for seven (7) On-Sale establishments. There are currently 32 On-Sale licenses in this tract. "El Sol Restaurant" currently has a Type 47 of the State Alcoholic Beverage Control (ABC) license to sell alcoholic beverages with meals and this request will not increase the number of licenses in this tract. While the area contains more on-sale establishments than is suggested for this census tract, the project site is located in the Neighborhood Commercial Zone, which is intended as a zone for commercial activities providing convenience goods and services to the surrounding residential neighborhood in conformance with the comprehensive general plan of the city and restaurants customarily serve alcoholic beverages as part of their food service and this request is a reasonable extension of the primary use. In addition, serving alcoholic beverages as part of food service is typically not associated with public drunkenness or other alcohol-related crimes. Based on arrests and Part 1 crime statistics for Census Tract 3006 in 2016, there were 225 crimes above the citywide average of 194. Within the year of 2016, there were no calls for police service at the location. The Glendale Police Department did not cite any major concerns related to the on-site sales, service and consumption of alcoholic beverages at the expanded restaurant. It is not anticipated that the on-site consumption of alcoholic beverages at the expanded restaurant will contribute to crime in the area. In addition, suggested conditions made by the Police Department have been included in the draft conditions of approval to ensure that any potential negative impacts will be appropriately mitigated.

The approval of the AUP for the on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant is not anticipated to be detrimental to the community or adversely conflict with the community's normal development or conflict with the adjacent land uses. There is a preschool, a mortuary building, and a church within the immediate area of the subject site. "Robbin's Nest Preschool" and "Crippen Mortuary" are located on Honolulu Avenue, across the street from the subject property and "Church of the Living Hope" is located approximately 0.2 miles away from the subject site along Honolulu Avenue to the southeast side of the subject property. "El Sol Restaurant" has served the local clientele for almost 36 years. The restaurant had served alcoholic beverages with meals for almost 15 years and the on-site sales, service, and consumption of alcoholic beverages have not proven to impact surrounding or abovementioned uses. Therefore, it is not anticipated that the approval of the AUP to allow the on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant will negatively impact residential uses located on the north side of the subject site, across the alley or these public facilities or impede their existing operations.
Overall, the application to allow on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant is supported based on the facts surrounding this application and the findings.

DRAFT FINDINGS

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The subject site is located in the C1 (Neighborhood Commercial) Zone and the General Plan Land Use Element designation for this area is Commercial-Neighborhood. The C1 zone is intended as a zone for the commercial activities providing convenience goods and services to the surrounding residential neighborhood in conformance with the comprehensive general plan of the city. The sale of alcoholic beverages for on-site consumption at this location is appropriate in this zone and the use will continue to provide an option for the community to purchase alcoholic beverages for on-site consumption with their meals in this restaurant.

The on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant will be consistent with the various elements and objectives of the General Plan. The Circulation Element designates Honolulu Avenue as a Minor Arterial street. This street is fully improved serving a multitude of businesses and residential developments. It can adequately handle the existing traffic circulation around the site. The subject restaurant is expanding into two adjacent tenant spaces to the west (previously used as dry cleaner and barber shop) to include an additional of 1,168 square-foot floor area for a total of 2,212 square feet. The proposal will not enlarge the existing building on the site. The expanded full-service restaurant is located in a commercial building alongside other commercial/service type businesses. The project site is adjacent to commercially zoned properties and residential uses to the north of the subject property across an alley. No residential uses are immediately abutting the subject site.

The on-site sales, service, and consumption of alcoholic beverages with meals in a full service restaurant is a common ancillary use for restaurants. The Land Use Element is most directly related to the approval of this use and given that the project site is already developed and the application is only requests for on-site sale and consumption of alcoholic beverages with meals in the existing restaurant and the expanded area (within the footprint of the existing building); other elements of the General Plan, including Open Space, Recreation, Housing, and Noise Elements, will not be impacted as a result of the applicant's request.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant will not be detrimental to the safety and public welfare of the neighborhood. According to the Glendale Police Department, the subject property is located in Census Tract 3006 that allows for seven (7) On-Sale establishments. There are currently 32 On-Sale licenses in this tract. "El Sol Restaurant" currently has a Type 47 of the State Alcoholic Beverage Control (ABC) license to sell alcoholic beverages and this request will not increase the number of licenses in this tract. While the area contains more on-sale establishments than is suggested for this census tract, the project site is located in the Neighborhood Commercial Zone, which is intended as a zone for the commercial activities providing convenience goods
and services to the surrounding residential neighborhood in conformance with the comprehensive general plan of the city, and restaurants customarily serve alcoholic beverages as part of their food service and this request is a reasonable extension of the primary use. In addition, serving alcoholic beverages as part of food service is typically not associated with public drunkenness or other alcoholic-related crimes.

The Glendale Police Department did not cite any major concerns related to the on-site sales, service and consumption of alcoholic beverages at the expanded restaurant. Based on arrests and Part 1 crime statistics for Census Tract 3006 in 2016, there were 225 crimes above the citywide average of 194. Within the year of 2016, there were no calls for police service at the location. It is not anticipated that the on-site consumption of alcoholic beverages at the expanded full-service restaurant will contribute to crime in the area. In addition, conditions made by the Police Department will ensure that any potential negative impacts will be appropriately mitigated.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The full-service restaurant is located within a commercial district and surrounded by complementary uses, including retail and service uses. As noted above, there are no residential uses immediately adjacent to the subject site. Residential uses (single-family) are located on the north side of the subject site across an alley. It is not anticipated that the on-site sales, service, and consumption of alcoholic beverages with meals at the expanded full-service restaurant will be detrimental to the community or adversely conflict with the community's normal development. The restaurant, "El Sol Restaurant" has operated at this location since 1932, and had a Conditional Use Permit to serve alcohol for on-site consumption since 2003. The applicant's request to allow the on-site sales, service, and consumption of alcoholic beverages in conjunction with the expansion of the existing full-service restaurant into adjacent 1,168 square-foot tenant spaces is not anticipated to adversely conflict with surrounding properties, as it will be ancillary to the primary use. Similar uses exist in the area and within the community, which have not proven to adversely affect or conflict with adjacent uses. There is a preschool, a mortuary building, and a church within the immediate area of the subject site. While these facilities and uses are within close proximity, the on-site sales, service, and consumption of alcoholic beverages at the full-service restaurant has not proven to impact surrounding or abovementioned uses. The recommended conditions of approval will serve to mitigate any potential impact on the surrounding properties.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

The applicant's request to allow the on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant will not result in inadequate public or private facilities. The project site is already developed and associated facilities are existing. The project site is located in a one-story commercial building. The building was built in 1962-1966 in compliance with the zoning code that was in place during that time. The property is fully improved with all necessary utilities. The subject facility has been operating as a restaurant at this location since 1962. "El Sol Restaurant" has been operating in this location since 1962. The proposed restaurant expansion will not alter the existing building, parking, and landscaping since the expansion occurs within the building.
Honolulu Avenue is identified in the Circulation Element as a fully improved Minor Arterial and can serve a multitude of businesses and residential developments. It can adequately handle the existing traffic circulation adjacent to the site. The on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant is not anticipated to generate additional traffic. The existing structures and facilities are sufficient to assure that the facility will continue to not have negative impact on nearby businesses or residential developments. Currently, there are 36 parking spaces for the five tenants in the building and 44 parking spaces are required for the existing uses. According to the Glendale Municipal Code section 30.32.050, the existing on-site parking meets the parking requirement for the expanded 2,212 square-foot full-service restaurant and the existing uses in the building. The applicant’s request to allow the on-site sales, service, and consumption of alcoholic beverages with meals at the expanded full-service restaurant is not anticipated to create any negative traffic-related impacts on Honolulu Avenue over and above existing conditions.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION:
That all the criteria set forth in Section 30.40.030 (E) to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

1) That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over-concentration. Based on the comments submitted by the City of Glendale Police Department, the on-site sales, service, and consumption of alcoholic beverages at the expanded full-service restaurant does not, or will not, tend to encourage or intensify crime within this reporting district as noted in Finding B above.

2) That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district. As noted in Finding B above, the crime rate in Census Tract 3006 is 16 percent above the citywide average for Part 1 crimes, which does not exceed 20 percent of the citywide average for Part 1 crimes and no evidence has been presented to indicate that the on-site sales, service and consumption of alcoholic beverages at the subject full-service restaurant would encourage or intensify crime within the district. Conditions of approval are recommended by the Police Department to ensure that the approval of this AUP will not tend to encourage or intensify crime within the district.

3) That the existing or proposed use does not or will not adversely impact any other uses within the surrounding area (church, public or private school or college, day care facility, public park, library, hospital or residential use). As noted in Finding C above, there are a church, a mortuary building, and a preschool within the immediate area of the subject site. As noted in Finding A, no residential uses abut the subject property or site. The residential uses (zoned Single-Family) located on the north side of the subject property along an alley separating the residential uses from the subject site. Recommend conditions of approval will serve to mitigate any potential negative impacts
on these surrounding residential uses, or the existing church and preschool.

4) That adequate parking and loading facilities are or will be provided for the existing or proposed use or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use. As noted in Findings C and D above, the applicant’s request, which is in conjunction with the restaurant expansion, will require an increase in the numbers of required parking and all required parking spaces are provided on the site. The on-site sale, service, and consumption of alcoholic beverages at the expanded full-service restaurant is not anticipated to intensify traffic circulation or parking demand.

5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, alcoholic beverage sales, service and on-site consumption does serve a public convenience for the area. The applicant’s request to allow the on-site sale, service and consumption of alcoholic beverages at the expanded full-service restaurant does serve a public convenience because it serves local residents, businesses, and the surrounding community. Proposed conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

For more information or to submit comments, please contact Aileen Babakhani, at (818) 937-8331 or ababakhani@glendaleca.gov.

ATTACHMENT:
1. Location Map
2. Photos
3. Reduced Plan
4. Departmental Comments